

## **PROBATE CALENDAR NOTES**

**August 5, 2014**

**1:30 p.m., Department 40**

The following are the Probate Calendar Notes for the probate calendar set for hearing August 5, 2014, in Department 40, Commissioner Michael A. Jacques, presiding. Department 40 is located at 10820 Justice Center Drive, Roseville, in the Santucci Justice Center.

Pursuant to Local Rule 80.1.4, these calendar notes are not a tentative ruling on the merits of any matter before the court. If you have questions regarding the calendar notes, please contact the probate research attorney at (916) 408-6119. Do not contact Department 40 directly.

IF THE CALENDAR NOTES STATE THAT A DOCUMENT IS MISSING AND YOU HAVE A FILE-ENDORSED COPY OF THAT DOCUMENT, PLEASE FAX A COURTESY COPY OF THAT DOCUMENT TO (916) 408-6275. THE COURT DOES NOT ACCEPT DIRECT FAXES FOR FILING. ANY UNFILED DOCUMENT FAXED TO THIS LINE WILL NOT BE FILED.

Updated calendar notes will ordinarily be posted on the court day prior to the calendar, and may be posted at any time. Please do not call the probate research attorney regarding the calendar notes until after checking for any updated notes.

**NOTE: As of July 1, 2014, telephone appearances for this calendar are governed by Local Rules 20.8. and 80.1.2 (effective July 1, 2014). More information is available at the court's website, [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov). For assistance, please contact the probate attorney.**

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1.     **S-PR-0006749**           **Hendrick, Lorene C. - In Re the Estate of**  
  
      Petition under Prob.C. § 850 is recommended for approval as prayed.

2.     **S-PR-0006965**           **Couzens, Jean L. - In Re the Estate of**  
  
      Missing waiver of account by Julia Eisen.

3.     **S-PR-0007176**           **Jones, Patrick Shawn - In Re the Estate of**

      Missing attachment to form DE-120 notice. As filed, the form states that it is "continued on an attachment", but no attachment is included.

      Clarification is needed: estate has no cash assets; petition insufficient explains how attorney fees are to be paid.

**4. S-PR-0007264 Pruett Revocable Trust - In Re the Trust of**

Appearance is required for hearing on trust petition.

Missing sufficient service on respondent Robert Pruett Sr. Service for prior hearing was made only in care of counsel, which is insufficient. Prob.C. § 1214 & C.R.C. 7.51(a)(2).

**5. S-PR-0007281 Gard, Glenn A. - In Re the Estate of**

Spousal property petition Attachments 7a and 7b are mutually exclusive. Both describe identical property, but request conflicting relief. Nowhere are decedent's alleged interest and survivor's alleged interest in the property specified. Nowhere is the nature of either petitioner or decedent's interest (that is, whether community, quasi-community or separate) described.

**6. S-PR-0007363 Penton, Edith - In Re the Estate of**

Missing relationship of persons listed in ¶ 8 to decedent.

Missing copy of beneficiary trust or declaration of trust terms, Local Rule 80.2.1.

**7. S-PR-0007376 Sigrist Family - In Re the Trust of**

Appearance is required for continued hearing on trust petition.

Missing any response by trustee.

**8. S-PR-0007378 Waldman, Rodger K. - In Re the Estate of**

Missing copy of beneficiary trust or declaration of trust terms. Local Rule 80.2.1.

**9. S-PR-0007382 Fowler, Carol C. - In Re the Estate of**

Petition to administer estate is recommended for approval as prayed.

**10. S-PR-0007389 Bowland, Michael R. - In Re the Trust of**

Appearance is required for hearing on trust petition.

It is recommended the petition be stayed as it pertains to a finding of the validity of the restated trust. That issue appears to be the subject of pending litigation in another state. Prob.C. § 17206 permits the court to make any reasonable orders to resolve this petition. The ongoing Nevada litigation should be resolved before the court considers the issue of the validity of the restatement.

It is recommended the petition be denied as it pertains to a finding that beneficiary Steven Bowland has violated the trust no-contest clause. Petitioner erroneously cites to Prob.C. §§ 21303 and 21304-21308, all of which were repealed in 2010. The successor statutes, § 21310 et seq., substantially modified the law of no contest clauses in California. There are no allegations in the verified petition that would allow the court to find that

Bowman's Nevada litigation is a direct contest brought without probable cause under Prob.C. § 21311(a)(1), or that it falls within (a)(2) or (a)(3).

**11. S-PR-0007391 Siragusa, Deanna - In Re the Estate of**

Missing allegations re bond (¶ 1(d)).

Clarification is needed: petitioner must clarify whether will is offered as holographic instrument or executed / witnessed will. Proof of will is needed in either case. Missing typewritten transcript of written will, Prob.C. § 8002(b)(1).

Notice of hearing as served and published omits required notice re IAEA powers. IAEA powers must be denied.

**12. S-PR-0007392 Amezcua, Jim Richard - In Re the Estate of**

Clarification is needed re surviving spouse: allegations of the petition conflict with the attached death certificate which states that decedent died divorced. Court cannot determine sufficiency of notice without this information.

Missing required allegations at ¶¶ 2(b), 1(d) and 3(a).

**13. S-PR-0007399 Blake, Robert - In Re the Estate of**

Missing service on all step-children, grandchildren, step-grandchildren of decedent. Missing service to Richard Blake.

Missing proof of publication.

Missing declaration re lost will.

Missing required allegations at ¶ 5(a)(3)-(4) (RDP). Missing identification of step-children, grandchildren, step-grandchildren in ¶ 8.

Missing required allegations at ¶ 3(c).

Clarification is needed: petition caption requests both letters of administration and letters of administration with will annexed; petition requests only letters of administration at ¶2(b)(3); petitioner is named in will as executor and would therefore receive letters testamentary.

Re will contest: missing service of summons on petitioner and all other persons entitled to notice under § 8110, Prob.C. § 8250(a).

**14. S-PR-0007400 Slifer, Theodore Raymond - In Re the Estate of**

Missing service to Richard Lutzoff.

Will is not self-proving. Neither the attestation nor the so-called "self-proved affidavit" constitutes a declaration or affidavit, C.C.P. §§ 2015.5 & 2003. Proof of will is required.

**15. S-PR-0007401 Frailey, Frederick Paul - In Re the Estate of**

Petition to administer estate is recommended for approval as prayed.